

# Exhibit A

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FILED  
DISTRICT CLERK OF  
JEFFERSON CO TEXAS  
9/16/2016 12:11:50 PM  
JAMIE SMITH  
DISTRICT CLERK  
A-199006

NO. A-199006

**ETHEL SIMMONS**  
Plaintiff,

V.

**M A S STAR TRUCKING, LLC AND**  
**ADAM ELBADAWI**  
Defendants.

§ IN THE DISTRICT COURT

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JUDICIAL DISTRICT

JEFFERSON COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND DISCOVERY REQUESTS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES Ethel Simmons, hereinafter called Plaintiff, complaining of and about M A S Star Trucking, LLC and Adam Elbadawi, hereinafter called Defendants, and for cause of action shows unto the Court the following:

Plaintiff intends to conduct discovery in the matter under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

**II.**

Plaintiff is a resident and citizen of Jefferson County, Texas.

Defendant M A S Star Trucking, LLC, a Corporation doing business in Texas and may be served by serving its agent, Sabir Ali, 3245 University Avenue #1502, San Diego, California 92104.

Defendant Adam Elbadawi, is an individual residing in California and may be served with citation at 355 S 33<sup>rd</sup> St., Apt. 104, San Diego, California, 92113.

**III.**

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The subject matter in controversy is within the jurisdictional limits of this court.

Plaintiff is seeking monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

Venue is proper and maintainable in Jefferson County, Texas, because all or a substantial part of the events giving rise to Plaintiff's claims occurred in said county.

#### IV.

On or about November 19, 2014, Ethel Simmons was seriously injured as a result of an automobile collision that occurred in Jefferson County, Texas. On said date, Plaintiff was driving her vehicle in the 1000 block of 11<sup>th</sup> Street, when a truck owned by Defendant, M A S Star Trucking, LLC and driven by its employee, Adam Elbadawi, suddenly and without warning, failed to maintain a proper lookout, causing the accident and damages complained of by Plaintiff. The driver, Adam Elbadawi, was in the course and scope of his employment with or was the borrowed servant of Defendant, M A S Star Trucking, LLC.

#### V.

Nothing, Plaintiff did, or failed to do, caused the occurrence in question. To the contrary, the occurrence in which Ethel Simmons was severely injured and injuries which were sustained were proximately caused by negligence and negligence per se, as those terms are understood in law, on the part of Defendant, their agents, servants, employees, who were acting in the course and scope of their employment for the Defendant at all times material to this cause of action.

#### VI.

Defendant, Adam Elbadawi was negligent in one or more of the following particulars, each of which acts and/or omissions, individually or collectively, constitutes negligence which proximately caused the incident made the basis of this lawsuit, and the resulting injuries and damages to Ethel Simmons.

- a. In failing to maintain a proper lookout;
- b. In failing to make proper application of brakes of his vehicle;

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- c. In failing to make timely application of the brakes of his vehicle;
- d. In failing to bring his vehicle to a stop before it collided with Plaintiffs' vehicle;
- e. In being inattentive and failing to maintain proper control of his vehicle;
- f. In failing to obey applicable traffic signals or signs;
- g. In violating applicable provisions of Articles 6701(d) of the Texas Revised Civil Statutes.

The negligence of Adam Elbadawi was a proximate cause of the incident and the Plaintiff's resulting damages.

#### VII.

Defendant, M A S Star Trucking, LLC., is legally responsible to Ethel Simmons for the negligent conduct of Defendant, Adam Elbadawi, under legal doctrines of *respondeat superior*, agency and/or ostensible agency because Defendant, Adam Elbadawi, was at all times material hereto an agent, ostensible agent, servant and/or employee of Defendant, M A S Star Trucking, LLC, and was acting within the course and scope of such agency or employment. As a result, thereof, Defendant, M A S Star Trucking, LLC., is vicariously liable for all negligence of Defendant, Adam Elbadawi.

#### VIII.

Defendant, M A S Star Trucking, LLC, was also negligent in failing to properly train, instruct, and supervise, Defendant, Adam Elbadawi. M A S Star Trucking, LLC. failed to provide the proper training and instruction to Defendant, Adam Elbadawi, which would have provided him with proper skills and knowledge to avoid the collision, which forms the basis of this lawsuit. Defendant, M A S Star Trucking, LLC., failure to properly instruct and train their driver was a proximate cause of the accident and Ethel Simmons' resulting injuries and damages.

#### IX.

Ethel Simmons, would further show that the occurrence that forms the basis of this lawsuit was proximately caused by the willful acts and omissions and gross negligence in the performance of the non-delegable duties of the Defendants. Defendants' conduct was grossly



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negligent and constitutes malice, as the term is understood in Texas law. It was carried out with a flagrant disregard for the rights of others and with actual awareness on the part of Defendants that their actions would, and in reasonable probability did, result in great bodily harm. Accordingly, Ethel Simmons is entitled to recover exemplary and punitive damages in addition to the amount of her actual damages.

#### X.

As a direct and proximate result of the conduct of the Defendant, Plaintiff was seriously injured. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained. Because of the nature and severity of the injuries sustained, Plaintiff has suffered physical pain and mental anguish in the future. Plaintiff has suffered and will continue to suffer physical impairment and limitation of activities. Because of the nature and severity of the injuries sustained, Plaintiff required medical treatment in the past.

#### XI.

Plaintiff will additionally show that she is entitled to recovery of pre-judgment and post-judgment interest in accordance with law and equity as part of her damages herein, and Plaintiff sues specifically for recovery of prejudgment and post-judgment interest as provided by law.

#### XII.

##### **Plaintiff's Request for Disclosures**

Pursuant to Rule 194, you are requested to disclose within the time period set forth in Rule 194.3 the information or material described in Rule 194.2(a) – 194.2 (l).

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff, Ethel Simmons, respectfully prays that the Defendants be cited to appear and answer herein, and that upon final trial and hearing hereof Plaintiff recover her damages in accordance with the evidence; that she recovers

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costs of Court herein, that she recovers interest to which she is entitled under law, and for such other and further relief, general and special, legal and equitable to which she may show herself justly entitled.

Respectfully submitted,

PAYNE & PAYNE & ASSOCIATES

By: /s/ Henisha Anderson  
Henisha Anderson  
Texas Bar No. 24043278  
Andrew Payne  
Texas Bar No. 15649460  
Email: payneattorneys@gmail.com  
7100 Regency Square, Suite 250  
Houston, Texas 77036  
Tel. (713) 972.1949  
Fax. (713) 972.1057  
Attorneys for Plaintiff

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Exhibit A

NO. \_\_\_\_\_

ETHEL SIMMONS  
Plaintiff,

V.

M A S STAR TRUCKING, LLC AND  
ADAM ELBADAWI  
Defendants.

§ IN THE DISTRICT COURT  
§  
§  
§ JUDICIAL DISTRICT  
§  
§  
§  
§ JEFFERSON COUNTY, TEXAS

Plaintiff's First Set of Discovery To Defendant  
M A S Star Trucking, LLC

TO: M A S STAR TRUCKING, Defendant,

Pursuant to the Texas Rules of Civil Procedure, Plaintiff serves this First Discovery Requests on Defendant, M A S Trucking, Inc, and requests production in the offices of Payne & Payne & associates, 7100 Regency Square, Suite 250, Houston, Texas 77036, within the time periods set forth in the Rules. You are further requested to timely supplement your responses to these Requests as required by the Rules.

Respectfully submitted,

PAYNE & PAYNE & ASSOCIATES

By: H Anderson  
Andrew Payne  
Texas Bar No. 15649460  
Henisha D. Anderson  
Texas Bar No. 24043278  
Email: payneattorneys@gmail.com  
7100 Regency Square, Suite 250  
Houston, Texas 77036  
Tel. (713) 972.1949  
Fax. (713) 972.1057  
Attorneys for Plaintiff

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1915098  
Andrew Messina



C0199006---00004

Citation by Mailing

**THE STATE OF TEXAS**

No. A-0199006

ETHEL SIMMONS  
VS. M A S STAR TRUCKING LLC ET AL

**CITATION BY MAILING**

**58 th JUDICIAL DISTRICT COURT  
of JEFFERSON COUNTY, TEXAS**

To: ELBADAWI, ADAM

by serving at:  
355 S 33RD STREET  
APARTMENT 104  
SAN DIEGO, CA 92113 0000

DEFENDANT:

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 58 th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 16th day of September, 2016. It bears cause number A-0199006 and is styled:

ETHEL SIMMONS  
VS.  
M A S STAR TRUCKING LLC ET AL

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

PAYNE, ANDREW L, Atty.  
6636 HORNWOOD DRIVE  
HOUSTON, TX 77074 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ALSO ATTACHED LETTER DESIGNATION ALL CASES E FILED AND DISCOVERY REQUEST, accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court at Beaumont, Texas, this the 16th day of September, 2016.

JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS

BY

Valencia

*Valencia Simpson*

Deputy



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RETURN OF SERVICE

A-0199006

58 th JUDICIAL DISTRICT COURT

ETHEL SIMMONS

M A S STAR TRUCKING LLC ET AL

Executed when copy was delivered;

This is a true copy of the original citation, was delivered to defendant \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: \_\_\_\_\_, DeputyADDRESS FOR SERVICE:

ELBADAWI, ADAM

355 S 33RD STREET  
APARTMENT 104  
SAN DIEGO, CA 92113 0000OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_m., and executed in \_\_\_\_\_, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_, County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

Declarant/Authorized Process Server

(Id # expiration of certification)

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**Jefferson County  
District Clerk's Office**

1085 Pearl Street, Room 203  
Beaumont, TX 77701  
409-835-8580  
409-835-8527 Fax



**Family Law Division**  
409-835-8653

**Child Support**  
1001 Pearl Street, Room 203  
Beaumont, TX 77704  
409-835-8435

**JAMIE SMITH**  
District Clerk

Notice of E-File  
In Re: In the Jefferson County, District Clerk's Office

Notice is being given to you that ALL CASES are assigned E-File Cases.

Electronically filed cases or "E-file Cases" are governed by The Supreme Court Order adopted December 13, 2013 which states in part, the following:

*"Except in Juvenile cases attorneys must electronically file documents in courts where electronic filing has been mandated."*

If the District Clerk's Office receives a paper pleading, the Clerk is ORDERED to return that pleading to the filer with this notification. No paper pleadings can be received or file-stamped.

Instructions on how to get started with E-Filing in Jefferson County can be found at [www.efiletexas.gov](http://www.efiletexas.gov). Follow the prompts to get started.

Please refer to the Jefferson County District Clerk's webpage at [http://co.jefferson.tx.us/dclerk/dc\\_home.htm](http://co.jefferson.tx.us/dclerk/dc_home.htm) for links to our Filing Fees as well as FAQ's.





Citation by Mailing

**THE STATE OF TEXAS**

No. A-0199006

**ETHEL SIMMONS  
VS. M A S STAR TRUCKING LLC ET AL**

**CITATION BY MAILING**

**58 th JUDICIAL DISTRICT COURT  
of JEFFERSON COUNTY, TEXAS**

To: **M A S STAR TRUCKING LLC  
BY SERVING REGISTERED AGENT SABIR ALI**

by serving at:  
**3245 UNIVERSITY AVENUE  
# 1502  
SAN DIEGO, CA 92104 0000**

**DEFENDANT:**

**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701 (or if the case is designated as an E-file case, to file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 58<sup>th</sup> District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 16<sup>th</sup> day of September, 2016. It bears case number A-0199006 and is styled:

**ETHEL SIMMONS  
VS.  
M A S STAR TRUCKING LLC ET AL**

**Plaintiff:**

**Defendant:**

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

**PAYNE, ANDREW L. Atty.  
6636 HORNWOOD DRIVE  
HOUSTON TX 77074-0000**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ALSO ATTACHED LETTER DESIGNATING ALL CASES FILED AND DISCOVERY REQUESTS accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court at Beaumont, Texas, this the 16<sup>th</sup> day of September, 2016.

**JAMIE SMITH, DISTRICT CLERK  
JEFFERSON COUNTY, TEXAS**

BY

Valencia

*Valencia Simpson*

Deputy

RETURN OF SERVICE

A-0199006

58 th JUDICIAL DISTRICT COURT

ETHEL SIMMONS

M A S STAR TRUCKING LLC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant MAS Star Trucking, on the 22 day of Sept, 20 16\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: \_\_\_\_\_, Deputy**ADDRESS FOR SERVICE:**

M A S STAR TRUCKING LLC

BY SERVING REGISTERED AGENT SABIR ALI

3245 UNIVERSITY AVENUE

# 1502

SAN DIEGO, CA 92104 0000

OFFICER'S RETURNCame to hand on the 14 day of Oct, 20 16, at 1:30 o'clock P.m., and executed in Jefferson County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>- Not legible</u>	<u>9/22/16 11:07am</u>	<u>3245 University Ave.</u> <u>San Diego, CA 92104</u>

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

Certified mail

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

**FEES:**Serving Petition and Copy \$ 70  
Total \$ \_\_\_\_\_Janie Spash, Officer  
\_\_\_\_\_, County, TexasBy: Jennifer Paine, Deputy

Affiant

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
(First, Middle, Last)

(Street, City, Zip)

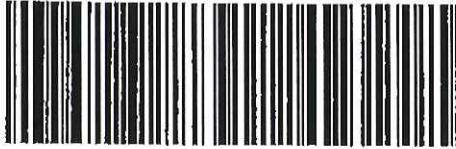
I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_, County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server\_\_\_\_\_  
(Id # expiration of certification)



JAMIE SMITH  
DISTRICT CLERK'S OFFICE  
1085 PEARL ST RM 203  
BEAUMONT, TX 77701-3546



9214 8901 0661 5400 0092 2367 58

RETURN RECEIPT (ELECTRONIC)

M A S STAR TRUCKING LLC  
BY SERVING REGISTERED AGENT SABIR ALI  
# 1502  
3245 UNIVERSITY AVE  
SAN DIEGO, CA 92104-2009

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6"X9" ENVELOPE  
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CUT / FOLD HERE

at 1:30 **FILED**  
o'clock PM  
**OCT 14 2016**  
**JAMIE SMITH, DISTRICT CLERK**  
Jefferson County, Texas  
BY Jamie Smith **DEPUTY**



Date Produced: 09/26/2016

THE MAIL GROUP INC - 1 / CONFIRM DELIVERY INC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 0661 5400 0092 2367 58. Our records indicate that this item was delivered on 09/22/2016 at 11:07 a.m. in SAN DIEGO, CA 92104. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to be "Don" or similar, written in a cursive style.

Address of Recipient :

3245  
University

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000092236758

M A S STAR TRUCKING LLC  
BY SERVING REGISTERED AGENT SABIR ALI  
# 1502  
3245 UNIVERSITY AVE  
SAN DIEGO, CA 92104-2009